



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	MERRIMAN, Dwight A. et al		
Appl'n No.:	10/082,069	Group Art Unit:	3622
Filing Date:	26 February 2002	Examiner:	Champagne, Donald
For:	NETWORK FOR DISTRIBUTION OF RE-TARGETED ADVERTISING		

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 & § 1.98**

Sir:

Under the provisions of 37 C.F.R. § 1.97(b)(3), and in accordance with Applicants' duty of disclosure under 37 C.F.R. § 1.56, Applicants would like to call to the Office's attention the references listed on the attached substitute form PTO-1449 (18 sheets). This filing is intended to replace and supplement the IDS filing of February 26, 2002 in the present application.

Applicants also direct the Office's attention to the following related pending applications, among which the listed references have been cited:

- U.S. Reissue Application No. 09/577,798 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed May 24, 2000, reissue of U.S. Patent No. 5,948,061
- U.S. Application No. 11/250,575 entitled Method and Apparatus for Automatic Placement of Advertising, filed October 17, 2005
- U.S. Application No. 10/254,923 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 26, 2002
- U.S. Application No. 10/798,342 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004
- U.S. Application No. 10/798,340 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004

- U.S. Application No. 10/798,444 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004
- U.S. Application No. 10/937,341 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 10, 2004

It is respectfully requested that the listed references be expressly considered during the prosecution of this application, that the Examiner initial each listed reference to evidence its consideration, and that the references be made of record therein and appear among the "References Cited" section on any patent to issue therefrom.

Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), Applicants have not provided copies of the listed U.S. patents and U.S. patent application publications but will do so if required by the Office.

The filing of this Information Disclosure Statement and the enclosed substitute form PTO-1449 shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

As this statement is being filed before the mailing of a first Office action on the merits pursuant to 37 C.F.R. § 1.97(b), no fee is believed due. Nonetheless, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

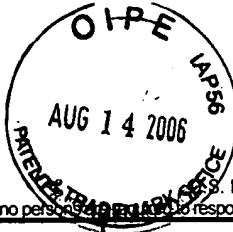


Bradley J. Meier
(Reg. No. 44,236)

Dated: August 14, 2006

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(202) 220 - 4200 (telephone)
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Sheet

1 of 18

Complete if Known

Application Number	10/082,069
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Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number 11032-3040

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		4,602,279		FREEMAN	07-22-1986	
		4,703,423		BADO et al.	10-27-1987	
		4,775,935		YOURICK	10-04-1988	
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Examiner Signature	Date Considered
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¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		DE	19528911	A1	GOLDSCHIEDER	02-12-1997		
		EP	0 216 535	A2,A3	MATERNA et al.	04-01-1987		
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		WO	96/38796	A1	MOHR	12-05-1996		
		WO (EP)	96/38796 (0 829 058)	B1	MOHR	03-18-1998		
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		WO	01/65747	A1	ELDERING et al.	09-07-2001		

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number

11032-3040

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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		CWK19951009S0006; Search-engine advertising; Froom; Communications Week; November 9, 1995	
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		Bounty Quest Web page displaying article titled "Bounty Collected Double Click Banner Ad Patent; (<http://www.bountyquest.com/bounties/displayBounty.php?bountyName=1019; printed on 3/9/01)	
		Bounty Quest Web page displaying article titled "Digital Porn Mogul Wins Silver Bullet Award; (<http://www.bountyquest.com/winner/bschuster.htm; printed on 3/9/01)	
		Bounty Quest Web page displaying article titled "DoubleClick Prior Art; (<http://www.bountyquest.com/patentinfo/doubleclickart.htm; printed on 3/9/01)	
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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

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		Webster's Third New International Dictionary of the English Language Unabridged, 1967, page 2171 "some"	

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Group Art Unit	3622
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Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number

11032-3040

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		DAVID E. ZINMAN (founder of Focalink), Deposition Transcript from <i>DoubleClick, Inc. v. L90, Inc.</i> , 00 Civ. 2690, S.D.N.Y.	
		RONALD A. KOVAS (CEO of Focalink), Deposition Transcript from <i>DoubleClick, Inc. v. L90, Inc.</i> , 00 Civ. 2690, S.D.N.Y.	
		LinkMarket Business Plan; David Zinman et al.; SD005545-SD005569	
		LinkMarket; David Zinman et al.; SD005573-SD005574	
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		"Working the Web..."; Jennifer Reese; Executive Female, No. 2, Vol. 19, Pg. 24; March 13, 1996; SD005602-SD005604	

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Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number **11032-3040**

		"Web ad-management software..."; John Evan Frock; InternetWeek; March 18, 1996; SD005605-SD005607	
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		"Web Site Links..."; Electronic Marketplace Report, No. 16, Vol. 9; August 22, 1995; SD005611-SD005613	
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		LinkMarket; David Zinman et al.; Z00028-Z00030 / SD027099-SD027101	

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Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number

11032-3040

	LinkMarket; David Zinman et al.; Z00031-Z00032 / SD027102-SD027103	
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	SPONSORABLE SITE – RIDDLE DU JOUR; August 26, 1995; Z00072-Z00074 / SD027143-SD027145	
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	Update and Miscellaneous; September 22, 1995; Z00081-Z00083 / SD027152-SD027154	
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	RE> Saturn Ad Placements; September 29, 1995; Adam@utne.co; Z00087 / SD027158	
	RE: Advertising Update; October 3, 1995; Eric Ver Ploeg; Z00088-Z00089 / SD027159-SD027160	
	RE>>Saturn Ad Placements; September 29, 1995; wigley@utne.com; Z00090 / SD027161	
	Re: Test Parameters (fwd); October 23, 1995; Jason Strober; Z00091-Z00092 / SD027162-SD027163	
	Re: Rest Parameters; October 23, 1995; Jason Strober; Z00093-Z00094 / SD027164-SD027165	

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number

11032-3040

		Proposal (fwd); October 23, 1995; Jason Strober; Z00095-Z00096 / SD027166-SD027167	
		Advertising advisory board; October 25, 1995; David Zinman; Z00097-Z00099 / SD027168-SD027170	
		Contact at Netcom; October 26, 1995; David Zinman; Z00100 / SD027171	
		CMP Technical Contact; October 30, 1995; Jason Strober; Z00104 / SD027172	
		from ad age today...; October 30, 1995; Karen Johnson; Z00105-Z00106 / SD027173-SD027174	
		We need to get on this; October 31, 1995; David Zinman; Z00107 / SD027175	
		Web site pricing draft; November 7, 1995; Jason Strober; Z00108 / SD027176	
		Heads up...(fwd); November 8, 1995; David Zinman; Z00109-Z00110 / SD027177-SD027178	
		Proposal to Intel; November 13, 1995; Jason Strober; Z00111-Z00114 / SD027179-SD027182	
		FocaLink white paper; November 13, 1995; Jason Strober; Z00115-Z00116 / SD027183-SD027184	
		FocaLink Media Services; November 14, 1995; David Zinman; Z00117-Z00119 / SD027185-SD027187	
		I/Traffic & Dave Carlick; November 14, 1995; David Zinman; Z00120 / SD027188	
		FocaLink white paper; November 15, 1995; David Zinman; Z00121-Z00123 / SD027189-SD027191	
		Re: FocaLink Meeting (fwd); Nov. 20, 1995; Karen Johnson; Z00124-Z00125 / SD027192-SD027193	
		Microsoft ads through FocaLink; November 21, 1995; Jason Strober; Z00126 / SD027194	
		Re: Who's in and who's out (fwd); Nov. 21, 1995; Jason Strober; Z00127-Z00128 / SD027195-SD027196	
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11032-3040

		Saturn reports; Dec. 5, 1995; Jennifer Ratner; Z00134-Z00140 / SD027199-SD027205	
		November Report; Dec. 5, 1995; Jennifer Ratner; Z00141-Z00146 / SD027206-SD027211	
		FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00147 / SD027212	
		FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00148 / SD027213	
		FocaLink Media Services; December 6, 1995; David Zinman; Z00149 / SD027214	
		FocaLink for the Layman; December 6, 1995; David Zinman; Z00150 / SD027215	
		Microtargeting; December 7, 1995; David Zinman; Z00151 / SD027216	
		Info on FocaLink Media Services; December 11, 1995; David Zinman; Z00152-Z00154 / SD027217-SD027219	
		FocaLink Media Services; December 11, 1995; David Zinman; Z00155-Z00156 / SD027220-SD027221	
		Catch-up time; December 11, 1995; David Zinman; Z00157 / SD027222	
		Info on FocaLink; December 13, 1995; David Zinman; Z00158-Z00160 / SD027223-SD027225	
		Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00161 / SD027226	
		Re: Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00162 / SD027227	
		FocaLink Beta Test on SmartBanner; Dec. 14, 1995; David Zinman; Z00163 / SD027228	
		I/Pro Mtg Today; December 19, 1995; David Zinman; Z00164 / SD027229	
		Eric Smith Quote (fwd); January 10, 1996; David Zinman; Z00165 / SD027230	
		FocaLink Communications, Inc.; January 10, 1996; David Zinman; Z00166 / SD027231	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald

Attorney Docket Number 11032-3040

		Re: Advertisers for wyp.net; January 12, 1996; David Zinman; Z00167 / SD027232	
		Quote for Press Release; January 15, 1996; David Zinman; Z00168 / SD027233	
		Re: Quote for Press Release; January 16, 1996; "thomas mark"; Z00169 / SD027234	
		Re: Quote for Press Release (fwd); January 16, 1996; David Zinman; Z00170-Z00171 / SD027235-SD027236	
		RE> **Ad Placement Notific; January 19, 1996; Dan_Stoller@ansf.com; Z00172-Z00173 / SD027237-SD027238	
		Invitation; January 25, 1996; wilkins@eit.com; Z00174 / SD027239	
		Focalink; January 25, 1996; David Zinman; Z00175 / SD027240	
		SmartBanner Reports; January 25, 1996; David Zinman; Z00176 / SD027241	
		RE: Focalink; January 26, 1996; Rick Vorhaus; Z00177 / SD027242	
		Comments; January 29, 1996; David Zinman; Z00178-Z00182 / SD027243-SD027247	
		Poppe Tyson/Internet Advertising Network Alliance; February 26, 1996; Ron Kovas; Z00183 / SD27248	
		fyi; February 5, 1996; "Roger Follis"; Z00184-Z00185 / SD027249-SD027250	
		Focalink Communications; February 5, 1996; David Zinman; Z00186-Z00188 / SD027251-SD027253	
		Microsoft Update; February 5, 1996; Margaret Bond; Z00189 / SD027254	
		Focalink Communications; February 6, 1996; David Zinman; Z00190-Z00192 / SD027255-SD027257	
		Focalink Communications; February 6, 1996; David Zinman; Z00193-Z00195 / SD027258-SD027260	
		Focalink Communications; February 6, 1996; David Zinman; Z00196-Z00198 / SD027261-SD027263	

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First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

		[Fwd: Re: DoubleClick and IAN]; February 6, 1996; Jason Strober; Z00199 / SD027264	
		Focalink Communications; February 6, 1996; David Zinman; Z00200-Z00202 / SD027265-SD027267	
		Test With Focalink; February 7, 1996; David Zinman; Z00203 / SD027268	
		Urgent – Microsoft Ad Placement; February 7, 1996; David Zinman; Z00204 / SD027269	
		Test for Microsoft Banner; February 8, 1996; Joel Bassuk; Z00205 / SD027270	
		ZDNet Test; Margaret Bond; February 8, 1996; Z00206 / SD027271	
		URLs; February 8, 1996; Dan Stoller; Z00207-Z00208 / SD027272-SD027273	
		HeadsUp 02-09-96 (20 stories)<CD58M010>; February 9, 1996; An Information Service of Individual Inc.; Z00209-Z00212 / SD027274-SD027277	
		Focalink Communications; February 13, 1996; David Zinman; Z00213 / SD027278	
		Targeting; February 13, 1996; Michael Wang; Z00214 / SD027279	
		Re: Cookies!; February 15, 1996; David Zinman; Z00215 / SD027280	
		Focalink; February 22, 1996; Jason Strober; Z00216 / SD027281	
		Focalink/Microsoft I.E.; February 23, 1996; Margee Bond; Z00217-Z00218 / SD027282-SD027283	
		Cookies; March 6, 1996; David Zinman; Z00219 / SD027284	
		Did I send this 2x; April 3, 1996; Z00220-Z00222 / SD027285-SD027287	
		Answer to your request; April 8, 1996; Z00223 / SD027288	
		Site Letter; April 10, 1996; Z00224-Z00225 / SD027289-SD027290	

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First Named Inventor	MERRIMAN, Dwight A.
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Attorney Docket Number	11032-3040

		Oracle and Intel; April 12, 1996; Z00226 / SD027291	
		DoubleClick; April 16, 1996; Z00227 / SD027292	
		Open Market Licenses With NetGravity; May 6, 1996; Z00228 / SD027293	
		Fact check; May 12, 1996; Z00229 / SD027294	
		IDG; May 17, 1996; Z00230-Z00231 / SD027295-SD027296	
		Daily Spectrum; May 20, 1996; Z00232-Z00242 / SD027297-SD027307	
		Fact check; May 20, 1996; Z00243 / SD027308	
		Cookie FAQ; May 21, 1996; Z00244 / SD027309	
		Focalink Communications; May 21, 1996; Z00245-Z00246 / SD027310-SD027311	
		Network World Fusion; May 22, 1996; Z00247 / SD027312	
		Looming issue; July 13, 1996; Z00248-Z00249 / SD027313-SD027314	
		Cookies & privacy ? / German Press; July 15, 1996; Z00250 / SD027315	
		Cookies & privacy ? / German Press; July 16, 1996; Z00251 / SD027316	
		DoubleClick; September 5, 1996; Z00252-Z00253 / SD027317-SD027318	
		Infoseek Business Terms; September 7, 1996; Z00254-Z00256 / SD027319-SD027321	
		SmartBanner ads on HotWired; September 11, 1996; Z00257 / SD027322	
		Statement of Work; September 23, 1996; Z00258-Z00259 / SD027323-SD027324	

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Attorney Docket Number	11032-3040

	NetGravity Releases Adserver 2.0; October 21, 1996; Z00260-Z00263 / SD027325-SD027328	
	"FOCALINK"; DC004278A	
	"FocaLink Services"; FocaLink Media Services, Inc.; DC004278B-DC004278C	
	"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278D-DC004278CC	
	"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278DD-DC004278XX	
	<u>"Link Marketing"</u> ; handwritten page; MA0001	
	"Link Marketing"; LinkMarket; MA0002-MA0007	
	"LinkMarket"; David Zinman et al.; MA0008-MA0027	
	"Link Marketing, LLP"; MA0028-MA0029	
	"Link Marketing LLP"; MA0030-MA0038	
	"Escapes"; Web page; MA0039-MA0040	
	"Industry Overview"; FocaLink Media Services, Inc.; MA0041-MA0053	
	"Executive Summary"; Focalink Communications Confidential"; printed 7/30/97; MA0054-MA0109	
	"FOCALINK COMMUNICATIONS"; February 1996; MA0110-MA0149	

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